THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.6878 OF 2006

DATED: 06-04-2006

BETWEEN

M/s. Prakruthi Nivas Ventures,
(Vishal Projects Limited),
Opp: Dindigal Air Force Academy,
Annaram Village, Jinnaram Mandal,
Medak District, rep. by its
Managing Director,
Sri G. Sridhar Rao,
S/o. Sri Late Hanumantha Rao,
Plot No.112, Road No.72,
Jubilee Hills, Hyderabad.

...PETITIONER

AND

The Government of Andhra Pradesh,
Rep. by its Secretary,
Industries & Commerce Department,
Secretariat, Hyderabad and others.

...RESPONDENTS

ORDER:

Petitioner seeks a writ of mandamus to declare the action of the first respondent in not disposing the revision petition nor passing any orders on stay petition filed questioning the proceedings of Deputy Director in Proceedings No.2013/Vg/2005, dated 01.12.2005 and the action of the third respondent in Proc.No.406/Vg/96, dated 09.03.2006 in directing the fourth respondent to withhold layout permission and respondent No.5 not to effect any registration in the petitioner house site venture as illegal and arbitrary.

Learned counsel for the petitioner submits that the petitioner is a construction company engaged in construction works and it has taken up a

house site venture near Dindigal Air Force Academy by name M/s. Prakruthi Nivas Ventures in an extent of Ac.45.00 cents of land for construction of houses with valid permission from all the concerned departments. While so, the Deputy Director of Mines and Geology issued a show cause notice No.2013/Vg/2005 dated 20.09.2005 stating that the petitioner evaded seigniorage fee on various minerals used in the construction of houses and directed to pay normal seigniorage fee of Rs.2,83,507/- + five time penalty of Rs.14,17,535/- totaling to Rs.17,01,042/-. Petitioner submitted explanation on 07.10.2005 and 01.11.2005 and the same was considered and held that the petitioner violated provisions of the Andhra Pradesh Minor Mineral Concession Rules, 1966 (for short 'the Rules') and accordingly a demand notice No.2013/Vg/05 dated 01.12.2005 was issued to the petitioner. As against the demand notice petitioner filed an appeal before the Government under Rule 35 of the Rules on 02.03.2006. During the pendency of the appeal the Assistant Director of Mines and Geology addressed a letter dated 09.03.2006 to the petitioner demanding to pay normal seigniorage fee of Rs.2,83,507/- + five times penalty of Rs.14,17,535 totaling to Rs.17,01,042/- failing which the dues will be recovered accordingly and copies were marked to the Director, Town Planning & Country Planning, Mahaveer Marg, Masab Tank, Hyderabad, with a request to withhold lay-out permissions till the defaulter pays the amounts and to the Sub-Registrar Officer, Narsapur with a request to not to effect any registration in the said house site venture till the defaulter pays the dues.

I am of the opinion that the said two requests of the Assistant Director of Mines and Geology to the Director, Town Planning & Country Planning and to the Sub-Registrar, Narsapur are illegal, arbitrary and without any authority in law and the said requests are accordingly set aside keeping it open for the respondents to recover the dues in accordance with the said letter dated 09.03.2006. However, as the appeal is pending, the appellate authority – the Government, is directed to consider and dispose the stay

application first within two weeks from the date of receipt of a copy of this order and if, for any reasons, the stay application is not disposed of the appeal itself may be disposed within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

April 6, 2006
DSK